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UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 02-00225 DAE
)	
Plaintiff,)	ORDER DENYING DEFENDANT BRENDA
)	M. O. CHUNG'S SEVERANCE
vs.)	MOTION, CONTINUING TRIAL DATE
)	AND EXCLUDING TIME UNDER
ANDY S.S. YIP, (01))	THE SPEEDY TRIAL ACT
BRENDA M. O. CHUNG, (02))	
)	
Defendant.)	
)	

ORDER DENYING DEFENDANT BRENDA M. O. CHUNG'S
SEVERANCE MOTION, CONTINUING TRIAL DATE AND
EXCLUDING TIME UNDER THE SPEEDY TRIAL ACT

On February 12, 2007, the parties appeared for the purpose of discussing recently discovered information concerning a possible conflict of interest on the part of counsel for the Defendant Andy S.S. Yip, Howard Chang, Esq. The Court also heard Defendant Chung's motion for a severance. The United States was represented by Assistant United States Attorney Leslie E. Osborne, Jr., Defendant Andy S.S. Yip and his counsel Howard Chang, Esq., and Defendant Brenda M. O. Chung and her counsel Howard Luke, Esq. were present in Court.

The Court having heard the motion to sever, considered the pleadings and arguments of counsel, the severance motion IS ORDERED denied, the Defendants are properly joined in Count 1. Counts 2 and 3 allege acts of obstruction alleged in Count 1. The balance of the Indictment alleges the very evasion that was the basis for the obstruction charged in Counts 1, 2 and 3. The joinder is proper (FRCP, Rule 8a).

The Court also considered the possible conflict issue. The parties agreed to the need for additional time to brief the conflict question and all counsel stipulated to excludable time would result, since a continuance of the trial was mandated by the need to provide the Defendants with continuity of counsel and to avoid denying the Defendant Yip the attorney of his choice.

IT IS ORDERED that the trial be continued from February 21, 2007, to March 6, 2007 at 9:00 a.m., in the courtroom of the Honorable David Alan Ezra. This continuance is granted pursuant to the provisions of 18 U.S.C. § 3161 8(a) in that the ends of justice served by the granting of such continuance outweigh the best interest of the public and the Defendants in a speedy trial and specifically guarantee the Defendants continuity of counsel and the possibility of the Defendant Yip maintaining counsel of his choice in accordance with 18 U.S.C. 3161 8(B)(iv). All time

from February 21, 2007, to and including March 5, 2007 is deemed excluded from computation pursuant to the Speedy Trial Act.

DATED: Honolulu, Hawaii, February 21, 2007.





David Alan Ezra
United States District Judge

United States v. Andy S.S. Yip, et al.

Cr. No. 02-00225 DAE

"Order Denying Defendant Brenda M. O. Chung's
Severance Motion, Continuing Trial Date and Excluding
Time under the Speedy Trial Act"